

REMARKS

In the Decision on Appeal decided 09/23/2009, the Board of Appeals reversed the rejection of Claims 1-4, 6-12, 14-20, and 22-28 under 35 U.S.C. 112, first paragraph. Also in the Decision on Appeal decided 09/23/2009, the Board of Appeals affirmed the rejection of Claims 1-3, 7, 9-11, 15, 17-19, 23, and 26 under 35 U.S.C. 103(a) as being unpatentable over Bates et al. (U.S. Patent No. 6,779,021), in view of Marsh (U.S. Patent No. 6,763,462); the rejection of Claims 4, 6, 12, 14, 20, 22, and 27-28 under 35 U.S.C. 103(a) as being unpatentable over Bates et al., in view of Marsh, and further in view of Bates et al. (U.S. Patent No. 6,785,732) (hereinafter Bates2); the rejection of Claims 8, 16, and 24 under 35 U.S.C. 103(a) as being unpatentable over Bates et al., in view of Marsh, and further in view of Kouznetsov; and the rejection of Claim 25 under 35 U.S.C. 103(a) as being unpatentable over Bates et al., in view of Marsh, and further in view of Radatti (U.S. Patent No. 6,763,467).

Applicant respectfully asserts that such rejection has been avoided by virtue of the amendments made hereinabove to the independent claims. Specifically, applicant has amended the independent claims to at least substantially include the following:

“wherein it is determined whether said email message is a new message by comparing said email message with said previously generated e-mail messages held in said quarantine queue;

wherein said email message is added to said quarantine queue in response to a determination that said email message is said new message;

wherein a score value indicative of one of said previously generated e-mail messages held in said quarantine queue is updated in response to a determination that said email message is not said new message, said score value indicating a proportion of said addressees specified within said address book that have previously been sent said message sharing at least said threshold level of similarity to non-identical message

content of said one of said previously generated e-mail messages" (see this or similar, but not necessarily identical language in the independent claims).

Applicant respectfully asserts that none of the prior art references relied on by the Examiner teach all of applicant's above claim language. For example, Bates, as relied on by the Examiner to meet applicant's claimed "quarantine queue" only teaches that "spam database 46 may contain a history of all e-mails sent to and received from network server 40 in a database format that can be searched according to sender, recipient, title, content, etc. in a manner that is time-saving" where "predicted spam is preferably designated in spam database 46 such that each e-mail received at network server 40 can be filtered according to already predicted and confirmed spam" (Col. 8, lines 5-14 – emphasis added).

However, simply disclosing that all emails sent to and received from a network server are stored in a spam database where predicted spam is designated such that each e-mail received at the network server can be filtered according to already predicted and confirmed spam, as in Bates, fails to even suggest techniques "wherein it is determined whether said email message is a new message by comparing said email message with said previously generated e-mail messages held in said quarantine queue; wherein said email message is added to said quarantine queue in response to a determination that said email message is said new message; wherein a score value indicative of one of said previously generated e-mail messages held in said quarantine queue is updated in response to a determination that said email message is not said new message, said score value indicating a proportion of said addressees specified within said address book that have previously been sent said message sharing said at least a threshold level of similarity to non-identical message content of said one of said previously generated e-mail messages" (emphasis added), as claimed.

To this end, a notice of allowance or specific prior art showing of each of the foregoing claim elements, in combination with the remaining claimed features, is respectfully requested.

Thus, all of the independent claims are deemed allowable. Moreover, the remaining dependent claims are further deemed allowable, in view of their dependence on such independent claims.

In the event a telephone conversation would expedite the prosecution of this application, the Examiner may reach the undersigned at (408) 505-5100. The Commissioner is authorized to charge any additional fees or credit any overpayment to Deposit Account No. 50-1351 (Order No. NAI1P462).

Respectfully submitted,
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